

REMARKS

Claims 1 and 3-12 are pending in the present application, of which claims 1, 3 and 9 are independent. Claims 1, 3, 6, 8 and 9 have been amended. Claim 2 has been canceled, and claim 3 rewritten in independent form. Support for the amendments are found in the specification as follows: Claim 1 - page 3, lines 26-28 and page 10, first table, columns 1&2, 5th row of data; Claims 6 and 8 – page 10, first table, columns 4&5, 2nd row of data. New claims 10-12 have been added. Support for the new claims is found in the specification on page 6, lines 8-11; page 3, lines 19-23 and 29-31; and page 10, first table, columns 4&5, 2nd row of data.

Applicants have used data from their examples as support for amended or new endpoints for ranges in claims 1, 6, 8 and 12. The MPEP allows use of specific examples in the specification as range endpoints. In a case where the specification disclosed a range of 25-60% and an example at 36%, "a limitation to 'between 35% and 60%' did meet the description requirement." M.P.E.P. § 2163.05(III). Applicants have used data from the first table on page 10 to support a 1:1 ratio and a 2.5:1 ratio as range endpoints in the aforementioned claims. In the former case, the table entries at cols. 1&2, 5th row of data, show that 20 ppm of MI and 20 ppm of MBI, i.e., a 1:1 ratio, is a synergistic mixture (SI<1). In the latter case, the table entries at cols. 4&5, 2nd row of data, show that 10 ppm of MI and 4 ppm of MBI, i.e., a 2.5:1 ratio, is a synergistic mixture (SI<1). Accordingly, the amendments are supported by the specification.

Claims 1, 2 and 9 were rejected under 35 U.S.C. § 103(a) over Yamaguchi (JP 2001/302418); a full translation of this reference is submitted herewith for the Examiner's convenience. Claims 3-7 were rejected under 35 U.S.C. § 103(a) over Yamaguchi in view of Buckley. Claims 1, 2 and 9 were rejected under 35 U.S.C. § 103(a) over Antoni-Zimmerman. Claims 3-7 were rejected under 35 U.S.C. § 103(a) over Antoni-Zimmerman in view of Buckley.

The present independent claims recite ranges of biocide ratios not disclosed in the references. Applicants have demonstrated the existence of unexpected synergistic interaction between the claimed biocides in the claimed range of ratios (see summary tables, pages 9-10). Therefore, the references, separately or in combination cannot render the present invention obvious.

If the Examiner has any concerns regarding the application, Applicants respectfully request that the Examiner contact Applicants' undersigned attorney by

telephone to discuss the issues.

Respectfully submitted,

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